

Extract from a report on the Manchurian and Chinese Incident beginning at page 120 of a volume procured from the Tokyo Imperial University and bearing the number M 50 198

Resolution of League of Nations, March 11, 1932, calling for the non-recognition of conquests in violation of international law.

10. DISCUSSIONS OF THE ASSEMBLY.-RESOLUTION OF MARCH 11TH.-
DECISIONS REGARDING THE TIME-LIMIT FOR THE PREPARATION
OF THE REPORT UNDER ARTICLE 15

Meanwhile the Assembly, continuing its examination of the dispute at Geneva, adopted, on March 11th, 1932, after a full discussion, the following resolution:

"I.

"The Assembly,

"Considering that the provisions of the Covenant are entirely applicable to the present dispute, more particularly as regards:

"(1) The principle of a scrupulous respect for treaties;

"(2) The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity, and existing political independence of all the Members of the League;

"(3) Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement;

"Adopting the principles laid down by the acting President of the Council, M. Briand, in his declaration of December 10th, 1931;

"Recalling the fact that twelve Members of the Council again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared 'that no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of Article 10 of the Covenant ought to be recognized as valid and effectual by Members of the League of Nations';

"Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris, which is one of the corner-stones of the peace organization of the world and under Article 2 of which 'the High Contracting Parties agree that the settlement or solution of all disputes or conflicts, of whatever nature and whatever origin they may be, which may arise among them shall never be sought except by pacific means;

"Pending the steps which it may ultimately take for the settlement of the dispute which has been referred to it;

"Proclaims the binding nature of the principles and provisions referred to above and declares that it is incumbent upon the Members of the League of Nations not to recognize any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

"II.

"The Assembly,

"Affirming that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should be sought under the stress of military pressure on the part of either party:

"Recalls the resolutions adopted by the Council on September 30th, and on December 10th, 1931, in agreement with the parties;

"Recalls also its own resolution of March 4th, 1932, adopted in agreement with the parties, with a view to the definitive cessation of hostilities and the withdrawal of the Japanese forces; notes that the Powers Members of the League of Nations having special interests in the Shanghai Settlements are prepared to give every assistance to this end, and requests those Powers, if necessary, to cooperate in maintaining order in the evacuated zone.

"III.

"The Assembly,

"In view of the request formulated on January 29th by the Chinese Government, invoking the application to the dispute of the procedure provided for in Article 15 of the Covenant of the League of Nations;

"In view of the request formulated on February 12th, by the Chinese Government that the dispute should be referred to the Assembly in conformity with Article 15, Paragraph 9, of the Covenant and in view of the Council's decision of February 19th;

"Considering that the whole of the dispute which forms the subject of the Chinese Government's request is referred to it and that it is under an obligation to apply the procedure of conciliation provided for in Paragraph 3 of Article 15 of the Covenant and, if necessary, the procedure in regard to recommendations provided for in Paragraph 4 of the same Article;

"Decides to set up a Committee of nineteen members—namely, the President of the Assembly, who will act as Chairman of the Committee, the Members of the Council other than the parties to the dispute and six other Members to be elected by secret ballot.

"This Committee, exercising its functions on behalf of and under the supervision of the Assembly, shall be instructed:

"(1) To report as soon as possible on the cessation of hostilities and the conclusion of arrangements which shall render definitive the said cessation and shall regulate the withdrawal of the Japanese forces in conformity with the Assembly resolution of March 4th, 1932;

"(2) To follow the execution of the resolutions adopted by the Council on September 30th and December 10th, 1931;

"(3) To endeavor to prepare the settlement of the dispute in agreement with the parties, in accordance with Article 15, Paragraph 3, of the Covenant, and to submit a statement to the Assembly,

"(4) To propose, if necessary, that the Assembly submit to the Permanent Court of International Justice a request for an advisory opinion;

"(5) To prepare, if need be, the draft of the report provided for in Article 15, Paragraph 4, of the Covenant;

"(6) To propose any urgent measure which may appear necessary;

"(7) To submit a first progress report to the Assembly as soon as possible and at latest on May 1st, 1932.

"The Assembly requests the Council to communicate to the Committee, together with any observations it may have to make, any documentation that it may think fit to transmit to the Assembly.

"The Assembly shall remain in session and its President may convene it as soon as he may deem this necessary."